

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
2015 SEP 8 PM 1 31  
**SEALED**

UNITED STATES OF AMERICA : U.S. DISTRICT COURT  
: CRIMINAL NO. 15cr10258  
v. : DISTRICT OF MASS.  
: VIOLATION: 18 U.S.C. § 371 (Conspiracy to  
: Defraud the United States)  
BRIAN SMIGIELSKI :

**INFORMATION**

The United States Attorney charges:

**COUNT ONE**

(Conspiracy to Defraud the United States – 18 U.S.C. § 371)

At all times relevant to this Information:

1. The defendant, BRIAN SMIGIELSKI, was a Boston Police Department (“BPD”) detective (hereinafter, “SMIGIELSKI”), who was assigned to the BPD Youth Violence Task Force (“YVSF”), a unit within the BPD that focused on youth violence, drug trafficking, and gangs within the Boston area.
2. Co-conspirator 1 (hereinafter, the “Officer”) was a BPD police officer, who worked with SMIGIELSKI in the YVSF. The Officer has since pled guilty to an offense related to his conduct described herein.
3. Co-conspirator 2 (hereinafter, “Gang Member 1”) was a member of the Academy Homes Street Gang (“AHSG”), which sold cocaine in and around the Academy Homes housing development in Roxbury, MA.
4. Co-conspirator 3 (hereinafter, the “Gang Member 2”) was a member of the AHSG and a long-time friend of the Officer.
5. From at least as early as in or about 2009 to in or about 2011, the Federal Bureau of

Investigation (the “FBI”) and the BPD were conducting a federal investigation into the activities of the AHSG and its members, including Gang Member 1 and Gang Member 2 (the “AHSG Investigation”). As part of the AHSG Investigation, the FBI and BPD, among other things, conducted surveillance of AHSG members, used confidential informants to make controlled narcotics purchases from AHSG members, and, pursuant to court authorization, monitored certain phone conversations of AHSG members. During the initial stages of the AHSG Investigation, SMIGIELSKI was the lead YVSF investigator assigned to the investigation.

6. In or about late 2009, however, SMIGIELSKI became upset when BPD officials informed SMIGIELSKI that he and other YVSF members were to turn over the AHSG Investigation to the FBI and the Special Investigations Unit (“SIU”), a division within BPD.

7. As set forth below, from in or about 2009 to in or about May 2011, in Boston and elsewhere in the District of Massachusetts, SMIGIELSKI combined, conspired, confederated, and agreed with the Officer, Gang Member 1, and Gang Member 2 to impair and impede the FBI’s investigation of the AHSG.

### **The Conspiracy**

In furtherance of this conspiracy, and to effect the objects thereof, the following overt acts, among others, were committed in the District of Massachusetts and elsewhere:

8. In or about January 2010, SMIGIELSKI and the Officer met with Gang Member 1 and Gang Member 2 at Daisy Buchanan’s, a bar in Boston.

9. During this January 2010 meeting at Daisy Buchanan’s, SMIGIELSKI and the Officer informed Gang Member 1 and Gang Member 2 that federal authorities were investigating the AHSG.

10. In or about September 2010, Gang Member 1 was concerned about being followed by a

vehicle and thereafter directed Gang Member 2 to contact the Officer to see if the Officer could determine the identity of the vehicle.

11. On or about September 27, 2010, following a conversation with the Gang Member 2, the Officer used his BPD computer to conduct a check of the vehicle in question, which was later determined to be an unmarked BPD vehicle that was conducting surveillance of Gang Member 1 as part of the AHSG Investigation.

12. In or about December 2010, the Officer and Gang Member 2 helped to coordinate a phone call between Gang Member 1 and SMIGIELSKI.

13. In or about March 2011, the Officer contacted another law enforcement officer to inquire about Gang Member 2's recent arrest for weapons possession.

14. In or about April 2011, in Boston, BPD SIU officers stopped Gang Member 1 while Gang Member 1 was inside a car. During the car stop, Gang Member 1 referred to the Officer and SMIGIELSKI and asked the BPD SIU officers, in sum and substance, if they knew the Officer or "Smiddy, you know, big guy, hurt his shoulder?"

15. In Boston, in or about April 2011, following the above car stop, Gang Member 1 met with SMIGIELSKI, who was on medical leave after injuring his shoulder. During this meeting, SMIGIELSKI informed Gang Member 1 that, based upon his experience, the purpose of BPD's previous car stop of Gang Member 1 was to assist law enforcement in identifying Gang Member 1 in preparation and anticipation of Gang Member 1's imminent arrest.

16. From at least in or about 2009 to in or about May 2011, in the District of Massachusetts and elsewhere, the defendant,

**BRIAN SMIGIELSKI**

did knowingly and intentionally combine, conspire, confederate, and agree with other persons, known and unknown to the Grand Jury, to defraud an agency of the United States, that is, the Federal Bureau of Investigation, by impeding, impairing, obstructing and defeating the lawful functions of said agency of the United States in the investigation of the Academy Homes Street Gang for violations of the Controlled Substances Act and the Controlled Substances Import and Export Act in violation of Title 21 of the United States Code.

All in violation of Title 18, United States Code, Section 371.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By: s/ Dustin Chao  
DUSTIN CHAO  
Assistant U.S. Attorney

Date: September 8, 2015